

IN THE U.S. DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JEFFREY P. ALBERT,

Plaintiffs,

vs.

KOHL'S, INC.,

Defendant.

CASE NO. 2:20-CV-4086

JUDGE

**DEFENDANT KIN, INC.'S NOTICE  
OF REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

1. Defendant KIN, Inc.'s ("Kohl's"), improperly identified in the Complaint as "Kohl's Inc." is a Defendant in a civil action brought against it in the Court of Common Pleas for Delaware County, Ohio, styled *Jeffrey P. Albert v. Kohl's, Inc.*, Case No. 20CV080302. Copies of all process and pleadings in that action are attached hereto as Exhibit A, pursuant to 28 U.S.C. §1446(A).

2. Plaintiff attempted to serve Kohl's on July 20, 2020.

3. Plaintiff is a resident of the State of Ohio.

4. Kohl's is a foreign corporation organized, registered and existing under the laws of the State of Nevada and has its principal place of business in Wisconsin.

5. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

6. According to the Complaint, Plaintiff demands judgment against Kohl's in an amount in excess of \$25,000.00. According to the Complaint, Plaintiff's injury has resulted in medical expenses totaling \$42,745.12, and future medical expenses. In addition, Plaintiff describes his

injury as a “rotator cuff tear and bicipital tendon injury which resulted in surgery.” Plaintiff further alleges his injury will result in future pain and suffering and functional limitations. As such, it is Kohl’s good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of its defenses fail and if Plaintiff proves all of his claimed damages as alleged in the Complaint.

7. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Kohl’s is not a citizen of the State of Ohio, in which this action was brought.

8. Written notice of removal of this action has been given simultaneously herewith to Plaintiff’s counsel and the Clerk of Courts for Delaware County, Ohio.

WHEREFORE, Defendant KIN, Inc. hereby removes this action from the Court of Common Pleas for Delaware County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

*/s/ Nicholas P. Resetar*

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ATTORNEYS FOR DEFENDANT

KIN, INC.

**PROOF OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of August, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nicholas P. Resetar

Bradley A. Wright  
Nicholas P. Resetar

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